S.B. CIVIL WRIT PETITION NO.7101/2007

Bhagirath Singh.
vs.
Addl. Civil Judge (JD), Hanumangarh and anr.

Date : 2.11.2007

HON'BLE MR. PRAKASH TATIA, J.

Mr.T Joshi, for the petitioner.

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Heard learned counsel for the petitioner.

The plaintiff/petitioner's application under Section 45 of the Indian Evidence Act was dismissed by the trial court vide order dated 25.9.2007 in view of the fact that the plaintiff's evidence was already completed and even thereafter, the trial court observed that in case, there will be any need, then that prayer can be granted at subsequent stage.

It appears that the plaintiff also submitted an application under Section 45 of the Evidence Act before the plaintiff's evidence but the trial court ordered that it will be considered after the plaintiff's evidence. In view of this fact, I do not find any reason to interfere in the impugned

order when the defendant's evidence had started.

However, the plaintiff will be free to move application for expert evidence after the evidence of the defendant because of the reason that by this time, the plaintiff's evidence has already been closed, therefore, there is no reason to reopen the plaintiff's evidence.

In view of the above, this writ petition having no force, is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya